

FIRST REGULAR SESSION

HOUSE BILL NO. 405

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HUBRECHT.

0953H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 58.451 and 58.720, RSMo, and to enact in lieu thereof two new sections relating to death investigations.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 58.451 and 58.720, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 58.451 and 58.720, to read as follows:

58.451. 1. When any person, in any county in which a coroner is required by section 58.010, dies and there is reasonable ground to believe that such person died as a result of:

- (1) Violence by homicide, suicide, or accident;
- (2) Criminal abortions, including those self-induced;
- (3) Some unforeseen sudden occurrence and the deceased had not been attended by a physician during the thirty-six-hour period preceding the death;
- (4) In any unusual or suspicious manner;
- (5) Any injury or illness while in the custody of the law or while an inmate in a public institution[;]

the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the coroner of the known facts concerning the time, place, manner and circumstances of the death. Immediately upon receipt of notification, the coroner or deputy coroner shall take charge of the dead body and fully investigate the essential facts concerning the medical causes of death, including whether by the act of man, and the manner of death. The coroner or deputy coroner may take the names and addresses of witnesses to the death and shall file this information in the coroner's office. The coroner or deputy coroner shall

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 take possession of all property of value found on the body, making exact inventory of such
19 property on the report and shall direct the return of such property to the person entitled to its
20 custody or possession. The coroner or deputy coroner shall take possession of any object or
21 article which, in the coroner's or the deputy coroner's opinion, may be useful in establishing the
22 cause of death, and deliver it to the prosecuting attorney of the county.

23 2. When a death occurs outside a licensed health care facility, **except under the care of**
24 **a licensed, certified hospice as defined under section 197.250**, the first licensed medical
25 professional or law enforcement official learning of such death shall immediately contact the
26 county coroner. Immediately upon receipt of such notification, the coroner or the coroner's
27 deputy shall make the determination if further investigation is necessary, based on information
28 provided by the individual contacting the coroner, and immediately advise such individual of the
29 coroner's intentions. **When a death occurs outside a licensed health care facility under the**
30 **care of a licensed, certified hospice, no investigation shall be conducted if the death is**
31 **certified by the treating physician of the deceased.**

32 3. Upon taking charge of the dead body and before moving the body the coroner shall
33 notify the police department of any city in which the dead body is found, or if the dead body is
34 found in the unincorporated area of a county governed by the provisions of sections 58.451 to
35 58.457, the coroner shall notify the county sheriff or the highway patrol and cause the body to
36 remain unmoved until the police department, sheriff or the highway patrol has inspected the body
37 and the surrounding circumstances and carefully noted the appearance, the condition and position
38 of the body and recorded every fact and circumstance tending to show the cause and manner of
39 death, with the names and addresses of all known witnesses, and shall subscribe the same and
40 make such record a part of the coroner's report.

41 4. In any case of sudden, violent or suspicious death after which the body was buried
42 without any investigation or autopsy, the coroner, upon being advised of such facts, may at the
43 coroner's own discretion request that the prosecuting attorney apply for a court order requiring
44 the body to be exhumed.

45 5. The coroner may certify the cause of death in any case where death occurred without
46 medical attendance or where an attending physician refuses to sign a certificate of death or when
47 a physician is unavailable to sign a certificate of death.

48 6. When the cause of death is established by the coroner, the coroner shall file a copy of
49 the findings in the coroner's office within thirty days.

50 7. If on view of the dead body and after personal inquiry into the cause and manner of
51 death, the coroner determines that a further examination is necessary in the public interest, the
52 coroner on the coroner's own authority may make or cause to be made an autopsy on the body.
53 The coroner may on the coroner's own authority employ the services of a pathologist, chemist,

54 or other expert to aid in the examination of the body or of substances supposed to have caused
55 or contributed to death, and if the pathologist, chemist, or other expert is not already employed
56 by the city or county for the discharge of such services, the pathologist, chemist, or other expert
57 shall, upon written authorization of the coroner, be allowed reasonable compensation, payable
58 by the city or county, in the manner provided in section 58.530. The coroner shall, at the time
59 of the autopsy, record or cause to be recorded each fact and circumstance tending to show the
60 condition of the body and the cause and manner of death.

61 8. If on view of the dead body and after personal inquiry into the cause and manner of
62 death, the coroner considers a further inquiry and examination necessary in the public interest,
63 the coroner shall make out the coroner's warrant directed to the sheriff of the city or county
64 requiring the sheriff forthwith to summon six good and lawful citizens of the county to appear
65 before the coroner, at the time and place expressed in the warrant, and to inquire how and by
66 whom the deceased died.

67 9. (1) When a person is being transferred from one county to another county for medical
68 treatment and such person dies while being transferred, or dies while being treated in the
69 emergency room of the receiving facility, the place which the person is determined to be dead
70 shall be considered the place of death and the county coroner or medical examiner of the county
71 from which the person was originally being transferred shall be responsible for determining the
72 cause and manner of death for the Missouri certificate of death.

73 (2) The coroner or medical examiner in the county in which the person is determined to
74 be dead may with authorization of the coroner or medical examiner from the original transferring
75 county, investigate and conduct postmortem examinations at the expense of the coroner or
76 medical examiner from the original transferring county. The coroner or medical examiner from
77 the original transferring county shall be responsible for investigating the circumstances of such
78 and completing the Missouri certificate of death. The certificate of death shall be filed in the
79 county where the deceased was pronounced dead.

80 (3) Such coroner or medical examiner of the county where a person is determined to be
81 dead shall immediately notify the coroner or medical examiner of the county from which the
82 person was originally being transferred of the death of such person, and shall make available
83 information and records obtained for investigation of the death.

84 (4) If a person does not die while being transferred and is institutionalized as a regularly
85 admitted patient after such transfer and subsequently dies while in such institution, the coroner
86 or medical examiner of the county in which the person is determined to be dead shall
87 immediately notify the coroner or medical examiner of the county from which such person was
88 originally transferred of the death of such person. In such cases, the county in which the
89 deceased was institutionalized shall be considered the place of death. If the manner of death is

90 by homicide, suicide, accident, criminal abortion including those that are self-induced, child
91 fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death
92 shall revert to the county of origin, and this coroner or medical examiner shall be responsible for
93 the Missouri certificate of death. The certificate of death shall be filed in the county where the
94 deceased was pronounced dead.

95 10. There shall not be any statute of limitations or time limits on the cause of death when
96 death is the final result or determined to be caused by homicide, suicide, accident, child fatality,
97 criminal abortion including those self-induced, or any unusual or suspicious manner. The place
98 of death shall be the place in which the person is determined to be dead. The final investigation
99 of death in determining the cause and matter of death shall revert to the county of origin, and the
100 coroner or medical examiner of such county shall be responsible for the Missouri certificate of
101 death. The certificate of death shall be filed in the county where the deceased was pronounced
102 dead.

103 11. Except as provided in subsection 9 of this section, if a person dies in one county and
104 the body is subsequently transferred to another county, for burial or other reasons, the county
105 coroner or medical examiner where the death occurred shall be responsible for the certificate of
106 death and for investigating the cause and manner of the death.

107 12. In performing the duties, the coroner or medical examiner shall comply with sections
108 58.775 to 58.785 with respect to organ donation.

58.720. 1. When any person dies within a county having a medical examiner as a result
2 of:

- 3 (1) Violence by homicide, suicide, or accident;
- 4 (2) Thermal, chemical, electrical, or radiation injury;
- 5 (3) Criminal abortions, including those self-induced;
- 6 (4) Disease thought to be of a hazardous and contagious nature or which might constitute
7 a threat to public health; or when any person dies:
 - 8 (a) Suddenly when in apparent good health;
 - 9 (b) When unattended by a physician, chiropractor, or an accredited Christian Science
10 practitioner, during the period of thirty-six hours immediately preceding his death;
 - 11 (c) While in the custody of the law, or while an inmate in a public institution;
 - 12 (d) In any unusual or suspicious manner[;]

13
14 the police, sheriff, law enforcement officer or official, or any person having knowledge of such
15 a death shall immediately notify the office of the medical examiner of the known facts
16 concerning the time, place, manner and circumstances of the death. Immediately upon receipt
17 of notification, the medical examiner or his designated assistant shall take charge of the dead

18 body and fully investigate the essential facts concerning the medical causes of death. He may
19 take the names and addresses of witnesses to the death and shall file this information in his
20 office. The medical examiner or his designated assistant shall take possession of all property of
21 value found on the body, making exact inventory thereof on his report and shall direct the return
22 of such property to the person entitled to its custody or possession. The medical examiner or his
23 designated assistant examiner shall take possession of any object or article which, in his opinion,
24 may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the
25 county.

26 2. When a death occurs outside a licensed health care facility, **except under the care of**
27 **a licensed, certified hospice as defined under section 197.250**, the first licensed medical
28 professional or law enforcement official learning of such death shall contact the county medical
29 examiner. Immediately upon receipt of such notification, the medical examiner or the medical
30 examiner's deputy shall make a determination if further investigation is necessary, based on
31 information provided by the individual contacting the medical examiner, and immediately advise
32 such individual of the medical examiner's intentions. **When a death occurs outside a licensed**
33 **health care facility under the care of a licensed, certified hospice, no investigation shall be**
34 **conducted if the death is certified by the treating physician of the deceased.**

35 3. In any case of sudden, violent or suspicious death after which the body was buried
36 without any investigation or autopsy, the medical examiner, upon being advised of such facts,
37 may at his own discretion request that the prosecuting attorney apply for a court order requiring
38 the body to be exhumed.

39 4. The medical examiner shall certify the cause of death in any case where death
40 occurred without medical attendance or where an attending physician refuses to sign a certificate
41 of death, and may sign a certificate of death in the case of any death.

42 5. When the cause of death is established by the medical examiner, he shall file a copy
43 of his findings in his office within thirty days after notification of the death.

44 6. (1) When a person is being transferred from one county to another county for medical
45 treatment and such person dies while being transferred, or dies while being treated in the
46 emergency room of the receiving facility, the place which the person is determined to be dead
47 shall be considered the place of death and the county coroner or the medical examiner of the
48 county from which the person was originally being transferred shall be responsible for
49 determining the cause and manner of death for the Missouri certificate of death.

50 (2) The coroner or medical examiner in the county in which the person is determined to
51 be dead may, with authorization of the coroner or medical examiner from the transferring county,
52 investigate and conduct postmortem examinations at the expense of the coroner or medical
53 examiner from the transferring county. The coroner or medical examiner from the transferring

54 county shall be responsible for investigating the circumstances of such and completing the
55 Missouri certificate of death. The certificate of death shall be filed in the county where the
56 deceased was pronounced dead.

57 (3) Such coroner or medical examiner, or the county where a person is determined to be
58 dead, shall immediately notify the coroner or medical examiner of the county from which the
59 person was originally being transferred of the death of such person and shall make available
60 information and records obtained for investigation of death.

61 (4) If a person does not die while being transferred and is institutionalized as a regularly
62 admitted patient after such transfer and subsequently dies while in such institution, the coroner
63 or medical examiner of the county in which the person is determined to be dead shall
64 immediately notify the coroner or medical examiner of the county from which such person was
65 originally transferred of the death of such person. In such cases, the county in which the
66 deceased was institutionalized shall be considered the place of death. If the manner of death is
67 by homicide, suicide, accident, criminal abortion including those that are self-induced, child
68 fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death
69 shall revert to the county of origin, and this coroner or medical examiner shall be responsible for
70 the Missouri certificate of death. The certificate of death shall be filed in the county where the
71 deceased was pronounced dead.

72 7. There shall not be any statute of limitations or time limits on cause of death when
73 death is the final result or determined to be caused by homicide, suicide, accident, criminal
74 abortion including those self-induced, child fatality, or any unusual or suspicious manner. The
75 place of death shall be the place in which the person is determined to be dead, but the final
76 investigation of death determining the cause and manner of death shall revert to the county of
77 origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of
78 death. The certificate of death shall be filed in the county where the deceased was pronounced
79 dead.

80 8. Except as provided in subsection 6 of this section, if a person dies in one county and
81 the body is subsequently transferred to another county, for burial or other reasons, the county
82 coroner or medical examiner where the death occurred shall be responsible for the certificate of
83 death and for investigating the cause and manner of the death.

84 9. In performing the duties, the coroner or medical examiner shall comply with sections
85 58.775 to 58.785 with respect to organ donation.

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